

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RENE SOLIS,	§	
Plaintiff,	§	
	§	
v.	§	No. 3:20-cv-00765-E (BT)
	§	
	§	
J BARBER et al.,	§	
Defendants.	§	

ORDER

Plaintiff Rene Solis, an inmate confined at the Big Spring Federal Correctional Institution (Big Spring), filed a complaint in this action alleging Defendants violated his civil rights under 42 U.S.C. § 1983. (Doc. No. 3). On April 10, 2020, the Court granted Solis leave to proceed *in forma pauperis*. (Doc. No. 6). The Order provided that Solis was to “notify the Court of any change of address by filing a written Notice of Change of Address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution.” (*Id.* p. 2).

On April 14, 2020, the Court’s Order granting Solis leave to proceed *in forma pauperis* was returned to the Court as undeliverable. (ECF No. 7). The Clerk re-mailed the Court’s Order on April 15, 2020, but, on April 21, 2020, the Order again was returned to the Court as undeliverable.

On June 19, 2020, the Magistrate Judge made findings, conclusions and a recommendation in this case. (Doc. No. 9). Because the Court was unable to contact Solis and he had not provided any alternative address, the Magistrate Judge recommended dismissing the complaint for want of prosecution under Federal Rule of Civil Procedure 41(b). See FED. R. CIV. P. 41(b) (allowing a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal

rules or any court order). Solis has filed an objection and response to the Magistrate Judge's findings, conclusions, and recommendation because he remains an inmate at Big Spring and the mail was returned due to no fault of his own. (Doc. Nos. 10 & 11). Because Solis's address has not changed, the Court **ORDERS** that Solis's objection is **SUSTAINED** and the recommendation of the United States Magistrate Judge is **NOT ADOPTED**.

A review of the record shows that both Solis's complaint and application to proceed *in forma pauperis* refer to his inmate number as 18030540, and the Clerk of the Court referenced that inmate number when mailing the Court's Order to Solis. (Doc. Nos. 3 & 4). Elsewhere in the complaint and application, however, Solis identified his inmate number as 57112-177. (Doc. No. 3). Solis also refers to his inmate number as 57112-177 in his objection. (Doc. No. 10). It appears from the Certificate of Inmate Trust Account and accompanying copy of Solis's account statement that 57112-177 is his correct Big Spring inmate number. (Doc. No. 4). Accordingly, the Court **ORDERS** the Clerk of the Court to re-mail the Court's Order granting Solis leave to proceed *in forma pauperis* (Doc. No. 6) to Solis with the correct inmate number, 57112-177. The Court further **ORDERS** the Clerk of the Court to update ECF as needed to ensure that future mail to Solis also will be addressed with the correct inmate number.

So **ORDERED**; signed this 7th day of July, 2020.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
UNITED STATES DISTRICT JUDGE